

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

MARY DAVIS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant.

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No. 2:12-cv-00121-JJV

ORDER AND JUDGMENT

Defendant has filed a Motion to Remand this case pursuant to sentence four of 42 U.S.C.

§ 405(g) (1995):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record and to issue a new decision. Defendant states that Plaintiff's attorney was contacted and stated he had no objection to the requested remand. Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

Accordingly, the Commissioner's decision is remanded for action consistent with this opinion. This is a "sentence four" remand within the meaning of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

This case is dismissed without prejudice.

IT IS SO ORDERED this 10th day of December, 2012.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE